

## **REMARKS**

### **I. INTRODUCTION**

Claims 1-8 have been amended. Support for the amendments can be found at least at ¶¶ [0018] and [0031] of the published specification. Thus, claims 1-8 remain pending in the present application. No new matter has been added. In light of the above amendments and the following remarks, Applicants respectfully submit that all presently pending claims are in condition for allowance.

### **II. THE 35 U.S.C. § 112 REJECTION SHOULD BE WITHDRAWN**

Claims 1-5 stand rejected under 35 U.S.C. §112, second paragraph, for being indefinite. Specifically, the Examiner states it is unclear if the “control means” in claim 1 and the “logic unit” of claim 2 are intangible or tangible structures. (See 4/14/09 Office Action, p. 2). Applicants direct the Examiner’s attention to paragraphs [0031] and [0032] of the published specification in which it is explicitly stated that Figs. 2a and 2b represent schematic views of a block diagram of “the electronics of the monitoring device.” One of ordinary skill in the art would understand that “electronics” embodies tangible structures. Therefore, Applicants respectfully request the withdrawal of this rejection.

### **III. THE 35 U.S.C. § 102(b) REJECTION SHOULD BE WITHDRAWN**

Claims 1-3, 5-6, and 8 stand rejected under 35 U.S.C. §102(b) for being anticipated by Tucker (U.S. Patent No. 4,413,620). Applicants note that the Examiner has only rejected claims 1-3, 5-6, and 8, but includes claims 4 and 7 in the details of the rejection. Accordingly, Applicants will treat claims 4 and 7 as rejected.

Claim 1 has been amended and now recites, “[a] device arranged for monitoring a physiological parameter of an individual, said device comprising: a sensor arranged to measure a signal related to said parameter when said sensor is brought into contact with the individual's skin; an adjustable carrier arranged to support said sensor and to resiliently conform to a body part of the individual so that a contact pressure is applied to the sensor; an actuator arranged to interact with the adjustable carrier in order to modify

the contact pressure; control means arranged to control the contact pressure in dependence on a control signal applied to the actuator, *wherein the contact pressure is modified when the signal falls below a predetermined threshold.*”

Tucker discloses an abdominal restraint system that protects a patient from the strain of a cough by inflation or mechanical tightening. (See Tucker, Abstract). The onset of a cough is detected by sensors (40), which are either inserted into a patient or located on the restraint system. (See *Id.*, col. 3, ll. 33-43). When the sensors detect a pressure change or body movement, they send signals to control electronics circuit (18). Tucker explicitly discloses that “[i]f the signals indicate that the patient is about to cough or sneeze, than the control electronics circuit 18 generates an actuation signal on its output 30 to quickly tighten belt 10 to increase the abdominal restraint on patient 36.” (See *Id.*, ll. 45-56). So, Tucker discloses that the belt (10) is tightened when a cough or sneeze is detected and not when the signal from the sensors “*falls below a predetermined threshold,*” as recited in claim 1. Therefore, Applicants respectfully submit that claim 1 and its dependent claims 2-5 are allowable over Tucker.

Independent claim 6 recites limitations substantially similar to those of claim 1. Thus, it is respectfully submitted that claim 6 and its dependent claims 7-8 are also allowable over Tucker for at least the foregoing reasons presented with regard to claim 1.

**CONCLUSION**

In light of the foregoing, Applicants respectfully submit that all of the presently pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

Dated: July 13, 2009

By:   
Michael Marcin (Reg. No. 48,198)

Fay Kaplun & Marcin, LLP  
150 Broadway, Suite 702  
New York, NY 10038  
Phone: 212-619-6000  
Fax: 212-619-0276